

H.R. 2095, THE FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

REAUTHORIZES THE FRA

- *Establishes the FRSA.* Re-establishes the Federal Railroad Administration as the Federal Railroad Safety Administration (FRSA), which shall consider the assignment and maintenance of safety as the highest priority. Creates a new position of Chief Safety Officer.
- *Rail Safety Strategy.* Requires the Secretary to develop a long-term strategy for improving rail safety, which must include an annual plan and schedule for, among other things, reducing the number and rates of accidents, injuries, and fatalities involving railroads.
- *Reports.* Requires regular reporting from the Department of Transportation's Inspector General and the National Transportation Safety Board on the FRSA's progress in implementing statutory mandates and open safety recommendations.
- *Financing.* Increases funded for the Federal rail safety program for fiscal years 2008 through 2011, as follows: \$230 million for FY2008; \$260 million for FY2009; \$295 million for FY2010; and \$335 million for FY2011. In addition, \$18 million is authorized for the design, development, and construction of the Facility for Underground Rail Station and Tunnel at the Transportation Technology Center in Pueblo, Colorado.

WORKER AND PUBLIC SAFETY

- *Hours of Service Reform.* Provides signal and train crews with additional rest; prohibits them from working in excess of 12 hours; extends hours-of-service standards to railroad contractors; limits limbo time; eliminates the use of camp cars; and requires railroads to develop fatigue management plans.
- *Training.* Establish minimum training standards for railroad workers, and requires the certification of conductors and carmen.
- *Medical Attention.* Prohibits railroads from denying, delaying, or interfering with the medical or first aid treatment of injured workers, and from disciplining those workers that request treatment. Also requires railroads to arrange for immediate transport of injured workers to the nearest hospital.
- *Emergency Escape Breathing Apparatus.* Provides emergency breathing apparatus for all crewmembers on freight trains carrying hazardous materials that would pose an inhalation hazard in the event of unintentional release.
- *Installation of Safety Technologies.* Mandates implementation of positive train control by December 31, 2014, and authorizes the FRSA to establish a grant program to assist railroads in implementing this requirement. Also requires railroads to either install technologies in nonsignaled territories that alert train crews of misaligned switches or operate trains in such areas at speeds that will allow them to safely stop in advance of a misaligned switch.

- *Rail Passenger Disaster Family Assistance.* Directs the NTSB to establish a program to assist victims and their families involved in a passenger rail accident, modeled after a similar aviation disaster program.

TRACK SAFETY

- *Internal Rail Defects.* Requires railroads to conduct inspections to ensure that rail used to replace defective segments of existing rail is free from internal defects, and to perform integrity inspections to manage an annual service failure rate of less than 0.1 per track mile on high-risk corridors. Also encourages railroad use of advanced rail defect inspection equipment and similar technologies as part of a comprehensive rail inspection program.
- *Concrete Crossties.* Directs the FRSA to develop and implement regulations for all classes of track for concrete rail ties.
- *Inspection Technologies.* Directs the FRSA to purchase, with amounts appropriated, six Gage Restraint Measurement System vehicles and five track geometry vehicles to enable the deployment of one Gage Restraint Measurement System vehicle and one track geometry vehicle in each region.

GRADE CROSSING SAFETY

- *Toll Free Number to Report Grade Crossing Problems.* Requires the railroads to establish and maintain a toll-free telephone number for reporting malfunctions of grade crossing signals, gates, and other devices and disabled vehicles blocking railroad tracks.
- *Sight Distance.* Directs the railroads to remove overgrown vegetation at grade crossings, which can obstruct the view of approaching pedestrians and vehicles.
- *Accident and Incident Reporting.* Requires the FRSA to conduct periodic audits of railroads to ensure they are reporting all accidents and incidents the National Accident Database.
- *National Crossing Inventory.* Requires railroads to report current information, including information about warning devices and signage, on grade crossings to enable the FRSA to maintain an accurate inventory of such crossings.
- *State Action Plan.* Requires the Secretary to identify on an annual basis the top 10 States that have had the most grade crossing collisions, and to work with them to develop a State Grade Crossing Action Plan that identifies specific solutions for improving safety at grade crossings.
- *Emergency Grade Crossing Improvements.* Establishes a grant program to provide emergency grade crossing safety improvements at locations where there has been a grade crossing collision involving a school bus or multiple injuries/fatalities.

ENFORCEMENT

- *Civil Penalties.* Increases civil penalties for certain rail safety violations from \$10,000 to \$25,000. The minimum civil penalty remains \$500. For grossly negligent violations or a

pattern of repeated violations, the maximum civil penalty is increased from \$20,000 under current law to not more than \$100,000.

- *Criminal Penalties.* Increases the maximum penalty for failing to file an accident or incident report from \$500 to \$2,500.
- *Enforcement Transparency.* Requires the FRA to provide a monthly updated summary to the public of all railroad enforcement actions taken by the Secretary.
- *Safety Investigations.* Makes it unlawful for any person to knowingly interfere with, obstruct, or hamper an investigation by the Secretary of Transportation or the National Transportation Safety Board.
- *Railroad Radio Monitoring.* Authorizes the FRSA to intercept and record certain railroad radio communications for the purpose of correcting safety problems and mitigating the likelihood of accidents or incidents.
- *Inspector Staffing:* Doubles the number of Federal rail safety inspectors by December 31, 2011.

OTHER

- *Tunnel Information.* Requires railroads to maintain certain information related to structural inspections and maintenance activities for tunnels, and requires those railroads to provide periodic briefings to the government of the local jurisdictions in which the tunnels are located, including updates whenever a repair or rehabilitation projects alters the methods of ingress and egress into and out of the tunnels.